

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Dean Witter Reynolds Inc.

vs.

Case No. 99-04794

Name of Respondent

David F. Pac

REPRESENTATION OF PARTIES

Claimant, Dean Witter Reynolds, Inc., hereinafter referred to as "Claimant": Diane C. Fischer, Esq., Kane & Fischer, Ltd., Chicago, Illinois

Respondent, David F. Pac, hereinafter referred to as "Respondent," did not appear.

CASE INFORMATION

Statement of Claim filed on or about: October 25, 1999

Claimant signed the Uniform Submission Agreement: October 21, 1999

Respondent did not file a Statement of Answer nor an agreement to arbitrate.

CASE SUMMARY

Claimant alleged that they recruited Respondent and employed him on October 20, 1995. Claimant asserted that concurrent with his employment, Respondent received a loan of \$78,071.40 on October 25, 1995. Respondent executed a promissory note ("note") whereby one-fourth of the loan was to be forgiven each anniversary date of the following four years, provided Respondent remained in Claimant's employ during that time. The note further declared that if Respondent terminated his employment at any time prior to the completion of four years, the balance of the note immediately became due. In addition, while employed Respondent received incentive compensation over and above normal compensation which total would be forgiven at the rate of 1/48 for each month employed. Claimant alleged that Respondent's employment terminated May 7, 1997.

Respondent did not submit a response to the Statement of Claim.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$79,951.96
Interest	\$18,674.70
Attorneys' Fees	\$4,056.50
Other Costs	\$3,870.28

Respondent did not request relief.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD-DR Code of Arbitration Procedure (the "Code").

Respondent did not file with the NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

The parties in attendance agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. That Respondent is liable to and shall pay to Claimant \$106,553.44, plus interest at the statutory rate from September 29, 2000 until paid; and
2. That each party is to bear their own costs and expenses with the exception of forum fees as specified below; and
3. That any and all relief not specifically addressed herein, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$1,000
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,000
Pre-hearing process fee	= \$600
Hearing process fee	= \$1,500

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

1 Pre-hearing session with Panel x \$750	= \$750
Pre-hearing conference: September 9, 2000 1 session	

1 Hearing session x \$750	= \$750
Hearing Date: September 29, 2000 1 session	

Total Forum Fees	= \$1,500
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The Panel assessed \$1,500 of the forum fees to Respondent.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$1,000
Member Fees	= \$3,100
Total Fees	= \$4,100
Less payments	= \$2,750
Balance Due NASD Dispute Resolution, Inc.	= \$1,350

Respondent is solely liable for:

Forum Fees	= \$1,500
Balance Due NASD Dispute Resolution, Inc.	= \$1,500

All balances are due and payable to NASD Dispute Resolution, Inc.

CONCURRING ARBITRATORS' SIGNATURES



Gordon F. Linke
Industry Arbitrator, Presiding Chairman

10/2/2000

Date Signed

Oscar W. Carlson, Jr.
Industry Arbitrator

Date Signed

Michael Quarto
Industry Arbitrator

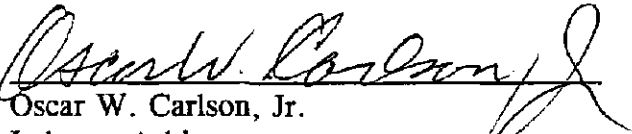
Date Signed

October 20, 2000
Date of Service (For NASD-DR office use only)

CONCURRING ARBITRATORS' SIGNATURES

Gordon F. Linke
Industry Arbitrator, Presiding Chairman

Date Signed

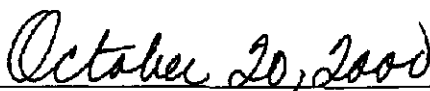

Oscar W. Carlson, Jr.
Industry Arbitrator



Date Signed

Michael Quarto
Industry Arbitrator

Date Signed


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CONCURRING ARBITRATORS' SIGNATURES

Gordon F. Linke
Industry Arbitrator, Presiding Chairman

Date Signed

Oscar W. Carlson, Jr.
Industry Arbitrator

Date Signed


Michael Quarto
Industry Arbitrator

Oct 12 2000
Date Signed

October 20, 2000
Date of Service (For NASD-DR office use only)